\*\*E-Filed 7/29/2011\*\*

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5	San Jose, California 95113-1905 Phone: (408) 535-1900 FAX: (408) 998-3131			
6 7 8	Email: cao.main@sanjoseca.gov  Attorneys for Defendants, CITY OF SAN JOSE, ROBERT DAVIS, OFF SERGEANT CARLTON SHEPPARD #3125, and OFFICER GERARDO RODRIGUEZ #30	, OFFICER JUAN HERNANDEZ #3898,		
9  0  1  2	Anthony Boskovich, Esq. (#121198) BOSKOVICH & APPLETON 28 No. First Street, 6 <sup>th</sup> Floor San Jose, California 95113-1210 Phone: (408) 286-5150 FAX: (408) 286-5170 Email: policemisconduct@compuserve.com			
3  4	Attorney for Plaintiff, JERMAINE MONTIEL			
15	UNITED STATES DISTRICT COURT			
16	NORTHERN DISTRICT OF CALIFORNIA			
7		I		
8	JERMAINE MONTIEL,	CASE NO.: C07-05490 JF		
19	Plaintiff,	CTIDILI ATION AND IDDODOCEDI		
20	VS.	STIPULATION AND [PROPOSED]- ORDER VACATING TRIAL AND RELATED DATES		
21	OFFICER M. WILLIAMS, Badge No. 3751; SERGEANT C. SHEPPARD,	RELATED DATES		
22	Badge No 3125; OFFICER HERNANDEZ, Badge No 3898;	Trial Date: October 17, 2011 Judge: Hon. Jeremy Fogel		
23 24	OFFICER RODRIGUEZ, Badge No 3087; JOHN DOE and RICHARD ROE; ROBERT DAVIS; CITY OF SAN JOSE,	Courtroom: 3		
25	Defendants.			
26	The parties to this action, by and through their attorneys of record, Steven B. Dippel			

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for Defendants and Anthony Boskovich for Plaintiff, hereby stipulate as follows:

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1	1. This case is currently set for trial on October 17, 2011, and the following related		
2	deadlines exist:		
3		Expert Disclosures due:	August 5, 2011
4		Close of Fact Discovery:	September 2, 2011
5		Close of Expert Discovery:	September 16, 2011
6		Pre-Trial Conference:	October 7, 2011 at 11:00 am
7		Jury Selection:	October 14, 2011
8			
9	2.	In light of Judge Fogel's new as	signment, the parties understand this matter
10	will be assigned to a different judge. As a result, the parties respectfully request that the		
11	existing trial date and all of the above-described related deadlines be vacated pending that		
12	reassignme	nt.	
13			
14	Dated: July	29, 2011	BOSKOVICH & APPLETON
15			la l Aratha an Daglas sigh
16			/s/ Anthony Boskovich ANTHONY BOSKOVICH
17			Attorney at Law
18			Attorney for Plaintiff, JERMAINE MONTIEL
19			
20	Dated: July	<i>y</i> 29, 2011	RICHARD DOYLE, City Attorney
21			By: /s/ Steven B. Dippell STEVEN B. DIPPELL
22			STEVEN B. DIPPELL Sr. Deputy City Attorney
23			Attorney for Defendants,
24			CITY OF SAN JOSE, RÖBERT DAVIS, OFFICER MATTHEW WILLIAMS,
25			SERGEANT CARLTON SHEPPARD, OFFICER JUAN HERNANDEZ, and
26			OFFICER GERARDO RODRIGUEZ
27	//		
28	//		

1	ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:		
2	I attest that concurrence in the filing of this document by the signatories, Steven B		
3	Dippell and Anthony Boskovich, has been obtained, and that a record of the concurrence		
4	shall be maintained at the Office of the City At	torney.	
5			
6	Dated: July 29, 2011	By: /s/ Steven B. Dippell STEVEN B. DIPPELL	
7		STEVEN B. DIPPELL	
8			
9	ORDER		
10	Having read and considered the stipulation above, and finding good cause for the		
11	relief requested, it is ordered that the trial date and all the related deadlines described		
12	below be, and hereby are, vacated:		
13	Expert Disclosures due:	August 5, 2011	
14	Close of Fact Discovery:	September 2, 2011	
15	Close of Expert Discovery:	September 16, 2011	
16	Pre-Trial Conference:	October 7, 2011 at 11:00 am	
17	Jury Selection:	October 14, 2011	
18	Jury Trial	October 17, 2011	
19	A further case management conference in this matter is scheduled for		
20	August 26, 2011 , pending reassignment	ent of the case to a different judge.	
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22	Dated:		
23		United States District Court Judge	
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26			
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